

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
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APPLICATION OF BERTIE MEHIGAN AND : Misc. Case No. _____
OLIVE MEHIGAN FOR AN ORDER TO TAKE :
DISCOVERY FOR USE IN FOREIGN PROCEEDINGS : (~~PROPOSED~~) ORDER
PURSUANT TO 28 U.S.C. § 1782. :
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This Court, having reviewed the Application of Bertie Mehigan and Olive Mehigan for an Order to Take Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782 (the "Application"), the Declaration of Bertie Mehigan, dated March 5, 2024, the Declaration of Bill Leahy, dated March 6, 2024, and the Declaration of Kenneth R. Puhala, dated April 3, 2024, and Applicants' accompanying Memorandum of Law, finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied, and (2) the discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.* 542 U.S. 241 (2004) weigh in favor of granting the Application.

Therefore, IT IS HEREBY ORDERED THAT:

1. Applicants are authorized, pursuant to 28 U.S.C. § 1782, to take discovery from the Respondents, International Business Machines Corporation and Promontory Financial Group, LLC, pursuant to subpoenas for the production of documents in substantially the form attached to the Application as Exhibits 2 and 3; and to this application (Doc. #1.)
2. This Order is without prejudice to Respondents' rights to assert objections in relation to the subpoenas.

IT IS SO ORDERED this 5th day of April, 2024.


UNITED STATES DISTRICT JUDGE